

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Brett R. KELTS) Group Art Unit: 2174
Application No.: 09/829,263) Examiner: Steven Paul Sax
(Now Patent No. 7,139,983)) Confirmation No.: 9473
Filed: April 9, 2001)
For: INTERACTIVE CONTENT GUIDE)
FOR TELEVISION)
PROGRAMMING)

**PETITION UNDER 37 C.F.R. §1.28(c) TO CORRECT POTENTIAL ERRORS
ASSOCIATED WITH SMALL ENTITY STATUS**

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

A license agreement associated with the above-identified application/patent having an effective date of April 6, 2005, may have triggered a change in status of the Assignee from small entity to large entity.^{1 2} Although the undersigned was involved in the negotiation of that license agreement, the undersigned did not become aware until

¹ Application No. 09/829,263 is a continuation of abandoned non-provisional Application No. 09/746,149 filed on December 22, 2000 and expired provisional Application No. 60/195,955 filed April 10 2000 - which were both filed before the effective date of the identified license agreement.

² The undersigned does not believe that this particular application/patent was, in fact, licensed by way of this particular license agreement.

March 16, 2009, that it might affect the Assignee's small entity status. While the undersigned has not conclusively determined that this license agreement triggered a change in status pursuant to 37 C.F.R. §1.27(a)(2), nevertheless, the fees identified in the following itemized chart, as provided for by 37 C.F.R. §1.28(c)(1) and §1.28(c)(2), are enclosed in order to address the possibility that small entity fees were paid erroneously.

The itemization required by 37 C.F.R. §1.28 (c)(2) is provided below.

Fee Type	Current Large Entity Fee Amount	Small Entity Fee Actually Paid	Date Small Entity Fee Paid	Deficiency Amount
Petition for an Extension of Time -Two (2) Months-	\$490	\$225	09/27/2005	\$265
Issue	\$1510	\$700	05/08/2006	\$810

TOTAL \$1,075.00

The total potential deficiency associated with U.S. Application No. 09/829,263 is submitted herewith via a Credit Card Payment form. It is believed that no fee is required for processing of this petition. If however, a fee is required, the Office is authorized to deduct such fee from Deposit Account No. 50-7248.


The establishment of small entity status in this application/patent was made in good faith, and all of the small entity fees paid in this application/patent were submitted in good faith. In addition, all of the requirements of 37 C.F.R. § 1.28(c) have been

fulfilled. Thus, it is respectfully requested that this petition be GRANTED and that a notice to that effect be returned to the undersigned.

Should any questions arise regarding this petition or the application in general, please contact the undersigned at (540) 361-1863.

Respectfully submitted,

POTOMAC PATENT GROUP PLLC

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Date: April 6, 2009

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